



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Confirmation No.: 9282
Matt LUNTZ *et al.* : Art Unit: 3751
Serial No. 10/728,832 :
Filed: December 8, 2003 :
For: AUTOMATIC SHUTOFF REFUELING RECEIVER

**PETITION FOR CORRECTION OF
INVENTORSHIP UNDER 37 C.F.R. §1.48(a)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby petition the Commissioner to correct the inventorship of the above-identified application under 37 C.F.R. §1.48(a). Specifically, Applicants request that Thomas B. Rose be removed as a co-inventor of the application.

In accordance with 37 C.F.R. §1.48(a), attached hereto is:

- 1) A Statement from Thomas B. Rose;
- 2) A Declaration as Permitted by 37 C.F.R. 1.47;
- 3) Decision According Status under 37 CFR 1.47(a); and
- 4) The processing fee set for in § 1.17(i).

Although an Assignment for the above-identified application was recorded at Reel 018192/Frame 0360 on August 21, 2006, Applicants respectfully submit that a Written Consent executed by the Assignee is not required. First, the Assignment erroneously identifies Adel Wiggins Group as the Assignee of the above-identified application. The correct Assignee should

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be "TransDigm Inc., a Delaware corporation, acting through its Adel Wiggins Group division." Adel Wiggins Group is not a legal entity. As such, no rights were assigned because a legal entity is required for an assignment and a legal entity is not identified as the Assignee in the Assignment. Therefore, the above-identified application has not been assigned because the Assignment is ineffective as no legal entity having the name Adel Wiggins Group (as stated in the Assignment) exists to obtain any rights in the application.

Second, the Assignment was only executed by one of the inventors, Thomas B. Rose. As stated above, Thomas B. Rose is not an inventor of the above-identified application. Therefore, Mr. Rose did not have any rights in the application to assign. Additionally, a corrective Assignment may not be filed because this would require Mr. Rose executing a new Assignment or correcting the previously filed Assignment for an application in which he is not an inventor and does not have any rights to assign. Therefore, Applicants respectfully submit that the requirements for filing a petition under 37 C.F.R. §1.48(a) have been met and request that the petition be granted.

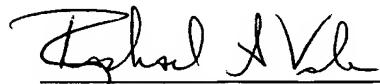
Attached is a check in the amount of \$130.00 to cover the Petition fee. Additionally, the Commissioner is authorized to charge any fee deficiency or credit any overpayment to Deposit Account No. 50-2036.

Docket No.: 27056.2460
Customer No.: 30734

Should there be any questions, the undersigned can be contacted at the below-listed address and telephone number.

Respectfully submitted,

BAKER & HOSTETLER LLP



Raphael A. Valencia
Reg. No. 43,216

Date: 3/20/07
Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036
202-861-1500
101674634.1

Docket No.: 27056.2640
Customer No.: 30734



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Matt Luntz, *et al.*

Serial No. 10/728,832

Filed: December 8, 2003

Group Art Unit: 3751

Examiner: Unassigned

For: AUTOMATIC SHUTOFF REFUELING RECEIVER

STATEMENT OF THOMAS B. ROSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Thomas B. Rose, do hereby state the following:

1. I am not a co-inventor of the above-identified patent application.
2. I have not acted with any deceptive intent in filing the original application or in any actions taken during prosecution of this application, including the filing of the Petition submitted herewith. Accordingly, the inventorship error arose without any deceptive intent on my part.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

10-30-2006

Date


Thomas B. Rose



UNITED STATES PATENT AND TRADEMARK OFFICE



Commissioner for Patents
United States Patent and Trademark Office
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OFFICE OF PETITIONS

In re Application of
Luntz and Rose
Application No. 10/728,832
Filed: December 8, 2003
Attorney Docket No. 27056.2640

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the renewed petition under 37 CFR 1.47(a), filed July 23, 2004. The petition was recently forwarded to the Office of Petitions for a decision on the merits. The Office sincerely apologizes for any inconvenience.

The petition is **GRANTED**.

Applicants showed that the non-signing inventor refused to join in the filing of the above-identified application after applicants presented him with a copy of the application papers.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the present petition. Notice of the filing of this application will also be published in the Official Gazette.

The Office finance records indicate that the USPTO did not charge applicants' Deposit Account for the \$130.00 fee for filing the original petition on June 30, 2004. Therefore, the \$130.00 fee will be charged to Deposit Account No. 50-2036.

This matter is being referred to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions



Docket No. 27056.2640
Customer No. 30734

PATENT

DECLARATION AND POWER OF ATTORNEY

As below named inventor, I hereby declare that:

My residence, post office and citizenship are as stated below next to my name

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter claimed and for which a patent is sought on the invention entitled **AUTOMATIC SHUTOFF REFUELING RECEIVER**, the specification of which [] is attached hereto OR [X] was filed on December 8, 2003, as Application Serial No. 10/728,832 and was amended on (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known to me to be material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s): **Priority Claimed**
Number Country Day/Month/Year filed Yes No

I hereby claim the benefit under 35 USC Section 119(e) of any United States provisional application(s) listed below.

Prior Provisional Application(s):
Application Number **Filing Date**

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U. S. Application(s): _____
Serial No. _____ **Filing Date** _____ **Status: Patented, Pending, Abandoned** _____

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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PATENT

The undersigned hereby grant(s) the firm of BAKER & HOSTETLER LLP the power to insert on this Declaration any further identification, including the application number and filing date, which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document

We hereby appoint the following attorney(s) and/or agent(s):

Leo J. Jennings
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30734
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P. Alan Larson

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PATENT

Reg. No. 53,184

with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all future correspondence should be addressed to the address at the aforementioned customer number. with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all future correspondence should be addressed to:

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Fax 202 861 1783

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Inventor's signature:

Date:

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Full name of inventor: Thomas B. Rose

Inventor's signature: 

Date: 12-4-2003

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Citizenship: USA

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